

EXHIBIT R

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CSX TRANSPORTATION, INC.)	CIVIL ACTION
500 Water Street)	
Jacksonville, FL 32202-4423)	
Plaintiff)	
)	
v.)	CASE NO.: 05-139 Erie
)	
PORT ERIE PLASTICS, INC.)	
909 Troupe Road)	
Harborcreek, PA 16421)	RELATED DOCUMENT NO.
)	
Defendant)	ELECTRONICALLY FILED

SECOND AFFIDAVIT OF JAMES WITKOWSKI

AND NOW comes James Witkowski, duly authorized representative of Port Erie Plastics, Inc., and hereby makes this Affidavit in Support of Defendant's Brief in Opposition to Plaintiff CSX Transportation, Inc's, Motion for Summary Judgment.

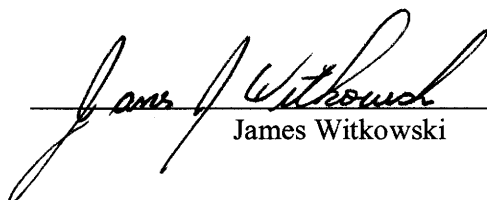
1. I am an adult individual with a business address of 909 Troupe Road, Harborcreek, PA, 16421, where I hold the position of Purchasing Manager of Port Erie Plastics.

2. In my capacity as Purchasing Manager, I have knowledge of raw materials agreements, and of general communications with suppliers and vendors.

3. I have no recollection of any phone conversation with William Graham of CSX Transportation, Inc., at any time, and particularly during the year of 2001.

4. At no time did I ever instruct or imply to William Graham, or anyone at CSX, that Presque Isle Trucking was designated by Port Erie to receive CSX paperwork on behalf of Port Erie, as Port Erie's agent relative to the shipments in question.

5. At no time did William Graham inform me that Port Erie was designated as a consignee to the shipments in question.


James Witkowski

Sworn to and subscribed before me

this 13~~th~~ day of March, 2006.

